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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,681	03/29/2004	Berthold Maiwald	41653-202339	1234
26694	7590	06/15/2006	EXAMINER	
VENABLE LLP			MAYES, DIONNE WALLS	
P.O. BOX 34385				
WASHINGTON, DC 20045-9998			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,681

Applicant(s)

MAIWALD ET AL.

Examiner

Dionne Walls Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-6, 8-9, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greve et al (US. Pat. No. 4,020,751).

Greve et al discloses nearly all that is recited in the claims since it teaches a method for applying two types of paste (from two different sources) to a web of cigarette paper. The Examiner believes that Greve et al meets the "applicator" limitations since such reference discloses a "glue applicator section" of the apparatus for making composite filter plugs. The "glue applicator section" just happens to have two pasters, each having nozzles with orifices (obviously). It is apparent from the teaching of Greve et al that paste is conveyed from each of the paste sources to a different one (i.e. respective) of the orifices to apply paste from the two sources to selected portions of the web. (see fig.1, and col. 4, lines 35-60). While Greve et al seems to teach the use of its web to be used as plug wraps for composite filter plugs, and may not specifically state that the web, that has been coated with the different pastes, is subdivided, and then attached to a filter/tobacco rod to join same, absent any evidence of criticality or unexpected results, by Applicant, it is not deemed that the "uniting band" recitation in the claims is patentably distinguishable of Greve et al. One having ordinary skill in the

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art would have used the apparatus/method of Greve et al to coat not only plug wraps, but any type of paper wrapper that would encompass a filter plug – including tipping paper wraps (i.e. uniting bands) since it is necessary that tipping paper be provided with the proper kind/type/amount of adhesive as well as plug wrap paper.

Regarding claims 3-5, while Greve et al may not specifically state that the paste is “intermittently applied”, as by a rotary valve, or conveyed by a pump, these steps are not deemed to patentably distinguish the claims from the reference as it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided for such application in order to effectively regulate the amount of paste applied to the web.

Regarding claim 6, while Greve et al may not state that any additive is added to the adhesive, it follows that one having ordinary skill in the art would have opted to provide/add an additive, such as a surfactant, to maintain the desirable properties of the flowable adhesives while being retained in their respective reservoirs.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time of the invention to have maintained the respective paste sources at different pressures in order to properly apply the paste to the web since they possess different physical properties.

Regarding claim 21, as evident from Fig. 4, the first and second selected portions, which are provided with different types of adhesive, are located at different portions of the web.

Examiner-Suggested Claim Recitation

The Examiner believes that independent claim 8, as currently recited, does not define over the Greve et al reference. However, if Applicant were to submit a claim having the following recitation, it is believed that such recitation would overcome any art rejections over Greve et al:

"Claim 8. A method of making rod-shaped smokers' products including a filter mouthpiece and a cigarette wherein a tubular envelope confines a smokable material and at least a portion of the envelope consists of a section of a web on side of which is at least partially coated with at least one film of adhesive, comprising the steps of:

- advancing the web lengthwise along a predetermined course;
- positioning [an applicator having orifices of] at least two nozzles adjacent a portion of said course at one side of the web;
- establishing at least two sources of flowable adhesive to the at least two nozzles; [orifices of said applicator; and]
- conveying flowable adhesive from each of the sources along a discrete path to each [a] one of said at least two nozzles [orifices of] to apply adhesive from the at least two sources to selected portions of the web;
- subdividing the web that has been coated with adhesive into uniting bands; and
- attaching a uniting band to one end portions of a cigarette and to one end of a filter mouthpiece to join the cigarette and the filter mouthpiece."

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This recitation reflects Applicant's goal of reciting the fact that one applicator is used to apply two different adhesives.

Allowable Subject Matter

3. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but most are moot in view of the new ground(s) of rejection. Any remaining arguments are believed to have been adequately addressed in the above rejection.

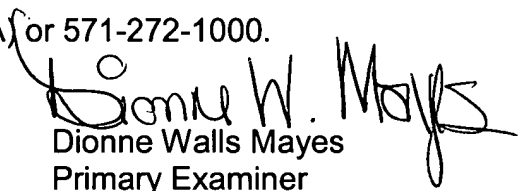
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne Walls Mayes whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dionne Walls Mayes
Primary Examiner
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June 12, 2006